

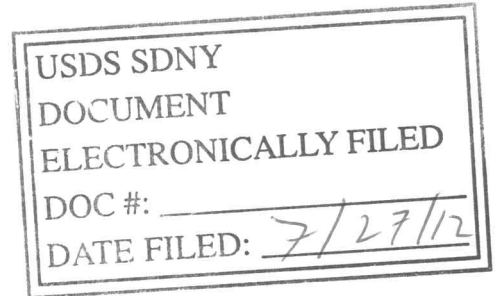
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: INDYMAC MORTGAGE-BACKED
SECURITIES LITIGATION

Master Docket
No. 09 Civ. 4583 (LAK)

This document relates to: *All Actions*
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ORDER



LEWIS A. KAPLAN, *District Judge.*

Counsel for Lead Plaintiffs Wyoming Retirement System and Wyoming State Treasurer (collectively, "Wyoming") move for, *inter alia*, a preliminary approval of a partial settlement, certification of a settlement class, approval of a notice to the class, appointment of "Lead Plaintiffs and Plaintiffs" as Class Representatives, and other relief. The motion [DI 358], given the present form of the papers, is denied without prejudice. This does imply any view with respect to the proposed partial settlement or any of the other relief sought.

This Court declines to enter an order granting "preliminary approval" of a class action settlement, as it is concerned that notice to class members that a court has granted preliminary approval may color their views as to whether to object or opt out. Accordingly, it will not approve any proposed notice that contains such language. In addition, it would be helpful to understand why counsel think it appropriate that the Court appoint "Lead Plaintiffs and Plaintiffs," whatever precisely the latter part of that phrase is intended to accomplish, in light of the order appointing Wyoming Lead Plaintiffs and approving their selection of counsel, filed July 29, 2009.

SO ORDERED.

Dated: July 27, 2012

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge